IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 5647 of 1995

Between:

1 N.Jaggareddy S/o. China Mallarewddy
R/o. Kothapalli (v) Karimnagar Mandal & Dist.
2 N.Kamala W/o. Jaggareddy
R/o. Kothapalli (v) Karimnagar Mandal & Dist.

..... PETITIONERS

AND

1 The District Collector, Karimnagar District.
2 Executive Engineer, Market Committee
Karimnagar town, Mandal & Dist.
3 S.Rameswara Rao, R/o. Kothapalli (v) Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in occupying or attempting to occupy the lands of the petitioners without their knowledge, or consent, for the purpose of formation of the link-road from Arepalli Ravipoor (2 Kilometers) is arbitrary, illegal, excessive, improper and unconstitutional and offending the principles of natural justice and consequently direct the respondents to take steps for acquisition of land if necessary either under the provisions of the Land Acquisition Act or by private negotiation with payment of appropriate compensation there for.

Counsel for the Petitioners:MR.G.V.L.N.MURTHY

Counsel for Respondent No.1: G.P. FOR REVENUE

Counsel for Respondent No.2: G.P.FOR COOPERATION

Counsel for Respondent No.3: Sri M.RAJA MALLA REDDY

The Court made the following O R D E R:

The grievance of the petitioners was that their lands were being occupied for construction of the road and it appears that the respondents had taken a stand that it was the only existing road, which was being repaired and no land was being acquired.

The Court made the following order on 28-04-1995 in WPMP No.6995 of 1995 and WVMP No.702 of 1995.

> "The interim order already passed on 24-03-1995 is modified to the effect that insofar as the lands of the petitioners bearing Survey No.166-A of Kothapalli village and Survey No.415/A, 415/B, 415/C and 415/D of Arepalli village are concerned, the width of the road shall be maintained by the respondents only at the existing width of 21' and not expand the same."

The respondents did not oppose passing of this order and as they had taken a stand that the land of the petitioners was not acquired, therefore, in terms of the order passed by this Court in WPMP No.6995 of 1995 and WVMP No.702 of 1995, the writ petition is disposed of. No order as to costs.

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(Bilal Nazki, J)

20th January, 2005.

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To

1 The District Collector, Karimnagar District, Karimnagar.
2 The Executive Engineer, Market Committee
Karimnagar town, Mandal & Dist.

3 Two C.Cs to the G.P. for Revenue, High Court Buildings, A.P.

Hyderabad (OUT)

4 Two C.Cs to the G.P. for Cooperation, High Court Buildings,

A.P., Hyderabad (OUT)

5 Two C.D. copies.